

attracting and trapping an insect such as a fly, wherein the trap comprises a body having an external longitudinal groove for supporting a pesticide. The pesticide is held in the external groove.

SUPPORT FOR CLAIM AMENDMENTS

Support for the amendment to independent claims 1, 31 and 33 is found throughout the specification as filed. More particularly, support is found, *inter alia*, in Claim 5 and Figure 1A. In view of the foregoing support, Applicant believes no new matter has been introduced and respectfully request that the amendment be entered.

REJECTION UNDER 35 U.S.C. § 102(b)

Claims 1, 12, 26-27, 31, 33-34 stand rejected under 35 U.S.C. §102(b) as allegedly being anticipated by U.S. Patent No. 1,286,763 ("Pfeiffer"). To the extent the rejection is applicable to the amended set of claims, Applicant respectfully traverses the rejection.

Pfeiffer teaches "steps" with "troughs". As is clearly shown in Figures 6, 7 and 12 of Pfeiffer, the troughs (15) are similar to rain gutters that "hold" the insecticide. In Pfeiffer, the insecticide material is poured down the apex and the "troughs" with ledges retain the insecticides. (col 2, lines 87-96).

In stark contrast, the present invention provides a longitudinal external groove that is not a trough with a ledge. The external groove is a longitudinal groove that is able to support the insecticide because the insecticide is self-adhering. The pesticide sticks to the body due to its self-adhering nature.

As each and every element of the present claims is not found in the prior art reference, the claims are not anticipated. Therefore, Applicant respectfully requests that the Examiner withdraw the anticipation rejection.

REJECTION UNDER 35 U.S.C. 103(a)

Claims 2-11, 13-25, 28-30, and 32 stand rejected under 35 U.S.C. §103(a) as allegedly being obvious over Pfeiffer, and further in view of U.S. Patent No. 4,671,010 ("Conlee"). To the extent the rejection is applicable to the amended set of claims, Applicant respectfully traverses the rejection.

As discussed previously, the "grooves" of Pfeiffer are really "steps" with "troughs". As is clearly shown in Figures 6, 7 and 12 of Pfeiffer, the troughs (15) are similar to rain gutters that "hold" the insecticide. In Pfeiffer, the insecticide material is poured down the apex and the "troughs" with ledges retain insecticide. (col 2, lines 87-96). There is no teaching or suggestion of a longitudinal groove to support a pesticide that is self-adhering.

The secondary reference of Conlee does not supply the teaching that is clearly lacking in Pfeiffer. Even if the body of Conlee were combined with the teaching of Pfeiffer, a skilled person would not arrive at the present invention, because the present invention teaches "a longitudinal groove", whereas Pfeiffer teaches steps with troughs similar to a rain gutter.

Thus, there is no incentive to combine the prior art references. As obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so, a *prima facie* obviousness rejection is untenable. Therefore, in view of the amendments to the claim, Applicant respectfully requests that the Examiner withdraw the rejection.

There is no reasonable expectation that the modification that the Examiner contemplates will succeed. Pfeiffer teaches "steps" with "troughs" that are similar to rain gutters that "hold" the insecticide. In Pfeiffer, the insecticide material is poured down the apex and the "troughs" with ledges retain the insecticides. Pfeiffer does not teach or suggest the use of a longitudinal groove that is able to support a self-adhering insecticide. Thus, the Examiner has used hindsight reconstruction of the cited art in an attempt to

piece together the present invention. Hindsight reconstruction is impermissible and therefore, Applicant respectfully request that the Examiner withdraw the rejection.

3. The Cited Art References Do Not Teach All Limitations of the Claims

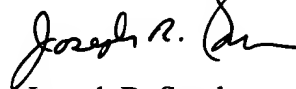
The prior art references must teach or suggest all the limitations of the claims. *In re Wilson*, 165 U.S.P.Q. 494, 496 (C.C.P.A. 1970). Applicants assert that the prior art references do not teach or suggest all the limitations of the claims and therefore, the obviousness rejection is untenable.

The present invention provides a longitudinal external groove that is not a trough with a ledge as taught in the prior art. The external groove is merely a groove that is able to support the insecticide because the insecticide is self-adhering. The pesticide sticks to the body due to its self-adhering nature. Under *In re Wilson supra*, a *prima facie* case of obviousness has not been established because each of the limitation of the claims is not taught or suggested in the cited art references. Therefore, Applicant respectfully requests that the Examiner withdraw the rejection.

CONCLUSION

In view of the foregoing amendments and remarks, Applicant believes all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

Respectfully submitted,



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VERSION WITH MARKINGS TO SHOW CHANGES MADE

APPENDIX

- 1 1. (Twice Amended) An insect bait station for attracting and killing an
2 insect, said insect station comprising:
3 a body having an external longitudinal groove for supporting a self-adhering
4 pesticide.
- 1 2. (As filed) The insect bait station according to claim 1, wherein said body is
2 cylindrical or sperical.
- 1 3. (As filed) The insect bait station according to claim 2, wherein said body
2 comprises a cylinder.
- 1 4. (As filed) The insect bait station according to claim 3, wherein said groove is
2 elongated.
- 1 5. Canceled.
- 1 6. Canceled.
- 1 7. (As filed) The insect bait station according to claim 4, wherein the height of
2 said groove is at least two times larger than the width of said groove.
- 1 8. (As filed) The insect bait station according to claim 3, wherein said body has a
2 plurality of grooves.
- 1 9. (As filed) The insect bait station according to claim 3, wherein said cylinder
2 has a diameter of between about ¼ inch to about 2 inches.

1 10. (As filed) The insect bait station according to claim 3, wherein said cylinder
2 is between about 6 inches to about 18 inches in length.

1 11. Canceled.

1 12. (As filed) The insect bait station according to claim 1, further comprising a
2 hanger member connected to said body.

1 13. (As filed) The insect bait station according to claim 1, wherein said body is
2 extrusion molded.

1 14. (As filed) The insect bait station according to claim 1, wherein said body is
2 injected molded.

1 15. (As filed) The insect bait station according to claim 3, further comprising a
2 pesticide disposed in the external groove wherein said pesticide is a viscous liquid or solid
3 formulation.

1 16. (As filed) The insect bait station according to claim 15, wherein said
2 pesticide is a fast acting insecticide.

1 17. (As filed) The insect bait station according to claim 15, wherein said
2 pesticide is a member selected from the group consisting of nitromethylene and phenyl
3 pyrazole.

1 18. (As filed) The insect bait station according to claim 15, wherein said
2 pesticide sticks to said body under the force of gravity.

1 19. (As filed) The insect bait station according to claim 17, wherein said
2 insecticide is a fast acting insecticide.

1 20. (As filed) The insect bait station according to claim 1, further comprising a
2 pest attractant reservoir connected to said body.

1 21. (Once Amended) The insect bait station according to claim 20, wherein
2 said body has a top portion and a bottom portion, said pest attractant reservoir being affixed to
3 said bottom portion.

1 22. (As filed) The insect bait station according to claim 20, wherein said pest
2 attractant reservoir being affixed to said hanger member.

1 23. (As filed) The insect bait station according to claim 20, wherein said pest
2 attractant is an insect pheromone.

1 24. (As filed) The insect bait station according to claim 20, wherein said pest
2 attractant is a feeding attractant.

1 25. (As filed) The insect bait station according to claim 1, further comprising a
2 cylinder sheath.

1 26. (As filed) The insect bait station according to claim 1, wherein said
2 pesticide is formulated to kill *Musca domestica*.

1 27. (As filed) An insect bait station for killing *Musca domestica*, said station
2 comprising:

3 a body having an external surface oriented generally vertically, said external
4 surface comprising at least one groove configured to support a pesticide of a viscous liquid or
5 solid formulation so that said pesticide is exposed to said external surface of said body.

1 28. (As filed) The insect bait station according to claim 27, wherein said
2 external surface of said body comprises a plurality of generally vertical grooves.

1 29. (As filed) The insect bait station according to claim 27, wherein said body is
2 generally cylindrical.

1 30. (As filed)The insect bait station according to claim 27, wherein said at least
2 one groove covers an area of the external surface equal to at least about 30% of the total area
3 of said external surface.

1 31. (Amended) An insect bait station comprising:
2 a body including a continuous external surface having at least one external
3 longitudinal groove for supporting a pesticide, said at least one external longitudinal groove
4 exposing said pesticide to said external surface of said body and providing one or more edges
5 for insects to land on or near said pesticide.

1 32. The insect bait station according to claim 31, wherein said body is
2 generally cylindrical.

1 33. (Amended) A method for killing an insect, said method comprising:
2 providing a station body having at least one external longitudinal groove on an
3 external surface to provide one or more edges for said insect to land; and
4 applying a self-adhering pesticide on said external longitudinal groove to
5 expose said pesticide to said external surface and place said pesticide at or near said one or
6 more edges.

7 34. The method according to claim 33, wherein said insect is a fly.